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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,168	03/26/2004	Paul Giampavolo	P/1759-147	1995

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,168

Applicant(s)

GIAMPAVOLO, PAUL

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,8-10,12,13 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,8-10,13,15-19 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 12 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species III in the reply filed on 26 August 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 2,6,11 and 14 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 26 August 2005.

Claim Objections

3. Claims 17 are objected to because of the following informalities:
 - Claim 17, line 2, "a" (both occurrences) should be deleted and "member" should be replaced with --members--.
 - Claim 17 recites the limitation "the other of the at least one engagement structures" in the second line. There is insufficient antecedent basis for these limitations in the following claims.

- Claim 19 recites the limitation “the at least another engagement structure” between the first and second lines. There is insufficient antecedent basis for these limitations in the following claims.

- Claim 20 recites the limitation “the at least another engagement structure” between the fourth and fifth lines. There is insufficient antecedent basis for these limitations in the following claims.

- Claim 21 recites the limitation “the at lest one or another engagement structure” between the first and second lines. There is insufficient antecedent basis for these limitations in the following claims.

- Claim 22 recites the limitation “the at least one and another engagement structure” in the fourth line. There is insufficient antecedent basis for these limitations in the following claims.

- Claim 23 recites the limitation “the at least one or another engagement structure” in the fourth line. There is insufficient antecedent basis for these limitations in the following claims.

Correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 8-10, 13, 17-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Document 2001-61514 (JP '514).

A safety buckle (A,B) comprises a first buckle member (A) including a first engagement part (22b,32 or 74a,75c) and a second buckle member (B) including a second engagement part (22,32a). The first and second buckle members are complementary shaped to provide an interactive fit when the first and second buckle members are fitted together (Figs. 1-37). The first and second engagement parts are cooperative to retain the first and second buckle members together when the first and second buckle members are fitted together (Figs. 1-37). One of the first and second engagement parts (B) have a symmetrically functional counterpart (32a) such that one of the first or second engagement parts cooperates with the counterpart to retain the first and second buckle members together when the first and second buckle members are fitted together in a different orientation (Figs. 6 and 30). The other of the first and second engagement parts being free from engagement (Figs. 6 and 30).

JP '514 also discloses that:

- The safety buckle further comprises a central arm (30) on one of the first or second buckle members. The first or second engagement part (32a) is located on the central arm (Figs. 1-37).
- The counterpart (32a) is located on an opposite side of the central arm from the first or second engagement part (Figs. 1-37).

- The engagement part on the central is formed as a recess with a shoulder near an end of the central arm (Figs. 2-8e). The counterpart also is arranged on the central part (Figs. 2-8e).

A safety buckle (A,B) that can be clasped in a plurality of orientations comprises first and second buckle members and a plurality of engagement structures. The first and second buckle members (A,B) are complementary shaped to fit together with each other in a clasped condition (Figs. 1-37). The plurality of engagement structures (32, 32a,75c) are internal to the buckle in a clasped condition with at least one engagement structure (32a,32 or 75c) on each of the first and second buckle members that is sized and positioned to cooperate with each other to retain the first and second buckle members together in the clasped condition in a first orientation (Figs. 1-37). At least another of the plurality of engagement structures (32a) located on one of the first or second buckle members that is sized and positioned to cooperate with one of the at least one engagement structures to retain the first and second buckle members together in the clasped condition in a second orientation different from the first orientation (Figs. 1-37). The other of the at least one engagement structures is free from engagement in the second orientation (Figs. 6 and 30).

JP '514 also discloses that:

- The safety buckle further comprises a central arm (30) on one of the first or second buckle members. The at least one engagement structure (32a) is located on the central arm (Figs. 1-37).

- The at least another engagement structure (32a) is located on an opposite side of the central arm from the at least one engagement structure (Figs. 1-37).
- The at least one or another engagement structure on the central is formed as a recess (32a) with a shoulder (32b) near an end of the central arm (Figs. 1-37).

6. Claims 1, 3, 8-10, 13, 15-19 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Document 408-84610 (JP '610).

A safety buckle (11) comprises a socket (14) and a plug (10). The socket has a cavity with a first surface (Figs. 10 and 11). A first catch is in the cavity, adjoins the first surface and protrudes away from the first surface (Figs. 10 and 11). The plug has a central arm (18) being inserted into the socket (Figs. 10 and 11). A first latch (upper surface of 18) on the central arm is sized and positioned to cooperate with the catch when the plug is inserted into the socket to engage the plug and socket (Figs. 10 and 11). A disengagement device (28) is on the socket or plug and cooperates with the central arm or the catch to disengage the latch and the catch upon actuation of the device (Figs. 10 and 11). A second catch or latch (lower surface of 18) on an opposite side of the cavity or central arm, respectively, and is sized and positioned with symmetry to the first latch or first catch, respectively (Figs. 10 and 11). The socket and plug may be engaged independent of a relative orientation of the socket and plug (Figs. 10 and 11).

JP '610 also discloses that the central arm includes the second latch for cooperating with the first catch of the socket (Figs. 10 and 11).

A safety buckle (11) comprises a first buckle member (10) including a first engagement part (upper surface of 18) and a second buckle member (14) including a second engagement part (22). The first and second buckle members are complementary shaped to provide an interactive fit when the first and second buckle members are fitted together (Figs. 10 and 11). The first and second engagement parts are cooperative to retain the first and second buckle members together when the first and second buckle members are fitted together (Figs. 10 and 11). One of the first and second engagement parts (10) have a symmetrically functional counterpart (lower surface of 18) such that one of the first or second engagement parts cooperates with the counterpart to retain the first and second buckle members together when the first and second buckle members are fitted together in a different orientation (Figs. 10 and 11). The other of the first and second engagement parts being free from engagement (Figs. 10 and 11).

JP '610 also discloses that:

- The safety buckle further comprises a central arm (18) on one of the first or second buckle members. The first or second engagement part is located on the central arm (upper surface of 18).
- The counterpart (lower surface of 18) is located on an opposite side of the central arm from the first or second engagement part (Figs. 10 and 11).
- The engagement part on the central is formed as a recess with a shoulder near an end of the central arm (Figs. 10 and 11). The counterpart also is arranged on the central part (Figs. 10 and 11).

- The buckle further comprises a disengagement device (28) on one of the first or second buckle members for disengaging the first or second engagement parts or counterpart to permit the buckle to be unclasp (Fig. 11).
- One of the first or second engagement parts is located on the disengagement device (Figs. 10 and 11).

A safety buckle (11) that can be clasped in a plurality of orientations comprises first and second buckle members and a plurality of engagement structures (Figs. 10 and 11). The first and second buckle members (10,14) are complementary shaped to fit together with each other in a clasped condition (Figs. 10 and 11). The plurality of engagement structures (22, upper and lower surface of 18) are internal to the buckle in a clasped condition with at least one engagement structure (22 and upper surface of 18) on each of the first and second buckle members that is sized and positioned to cooperate with each other to retain the first and second buckle members together in the clasped condition in a first orientation (Figs. 10 and 11). At least another of the plurality of engagement structures (lower surface of 18) located on one of the first or second buckle members that is sized and positioned to cooperate with one of the at least one engagement structures to retain the first and second buckle members together in the clasped condition in a second orientation different from the first orientation (Figs. 10 and 11). The at least another of the plurality of engagement structures is free from engagement in the second orientation (Figs. 10 and 11).

JP '610 also discloses that:

- The safety buckle further comprises a central arm (18) on one of the first or second buckle members. The at least one engagement structure is located on the central arm (upper surface of 18).
- The at least another of the plurality of engagement structure (lower surface of 18) is located on an opposite side of the central arm from the at least one engagement structure (Figs. 10 and 11).
- The at least one engagement structure or the at least another of the plurality of engagement structures on the central is formed as a recess with a shoulder near an end of the central arm (Figs. 10 and 11).
- The buckle further comprises a disengagement device (28) on one of the first or second buckle members for disengaging the at least one engagement structure or the at least another of the plurality of engagement structures to permit the buckle to be unclasped (Fig. 11).
- One of the the at least one engagement structure or the at least another of the plurality of engagement structures is located on the disengagement device (Figs. 10 and 11).

Response to Arguments

7. Applicant's arguments with respect to claims 1,3, 8-10, 13, 17-19 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pogharian et al. (US 4,458,392), Fildan (US 4,712,280), Anscher (US 5,855,057, US 6,000,109 and US 6,446,314 B1), Niewiadomski (US 6,662,414 B1), Murai et al. (US 6,728,999 B2), British Patent Document GB 2 150 632 A, European Patent Document EP 0 348 075 A1 and Japanese Patent Document JP 07051106 A are cited to show state of the art with respect to safety buckles having two latches and/or two catches that allows multiple orientation of a plug being inserted into a socket.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.


Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RGR
rcr

November 13, 2005


ROBERT J. SANDY
PRIMARY EXAMINER